

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FABIAN GONZALES,

Plaintiff,

VS.

SHERIFF KNEZOVICH,
CAPTAIN McGRATH, TODD
MIELKE, SHELLY O'QUINN, and
AL FRENCH.

Defendants.

NO. CV-13-250-JTR

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING ACTION WITHOUT
PREJUDICE

On March 18, 2013, Plaintiff, a prisoner at Spokane County Jail, brought a *pro se* civil rights complaint, pursuant to 42 U.S.C. § 1983. Defendants have not been served.

In a previous Order, the Court permitted Plaintiff to voluntarily dismiss his Complaint pursuant to Fed. R. Civ. P. 41(a). Plaintiff did so, *see* ECF No. 9. However, Plaintiff did not file a separate Motion and Affidavit to waive the remaining balance of the filing fee as directed.

In a previous Order, Magistrate Judge Rodgers recommended that Plaintiff's Motion to Voluntarily Dismiss Complaint, ECF No. 9, be granted and the Complaint be dismissed without prejudice. ECF No. 10. Judge Rodgers also recommended that because Plaintiff failed to file a separate Motion and Affidavit to waive the remaining balance of the filing fee as directed, Plaintiff must pay the full filing fee for this action, pursuant to 28 U.S.C. § 1915(b). *Id.* No timely objections to Magistrate Judge Rodgers' recommendations have been filed.

ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING ACTION -- 1

